

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JONATHAN RAY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action File
	:	No. 1:14-CV-02153-ODE
BANK OF AMERICA, N.A.; MSR 1	:	
ASSETS COMPANY LLC,	:	
	:	
Defendants.	:	

**ANSWER OF**  
**DEFENDANT MSR 1 ASSETS COMPANY, LLC**

MSR 1 ASSETS COMPANY, LLC (“MSR”) files this answer to Plaintiff ’s  
Complaint for Quiet Title and Wrongful Foreclosure (“Complaint”).

**FIRST DEFENSE**

The Complaint fails to state a claim against MSR upon which relief may be  
granted.

**SECOND DEFENSE**

Plaintiff has waived any right to relief.

THIRD DEFENSE

Plaintiff's claims are barred by the doctrine of estoppel.

FOURTH DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

FIFTH DEFENSE

Plaintiff's claims are barred by the doctrine of res judicata.

SIXTH DEFENSE

Plaintiff's claims are barred by the failure to make payments as required by the subject Note and Security Deed.

SEVENTH DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

EIGHTH DEFENSE

Plaintiff lacks standing to challenge any assignments of the Security Deed.

NINTH DEFENSE

Plaintiff lacks standing to assert a quiet title cause of action.

ELEVENTH DEFENSE

MSR responds to the numbered paragraphs of Plaintiff's complaint as follows:

**JURISDICTION AND VENUE**

1.

Admitted that Jonathan Ray is the plaintiff in this action; otherwise denied.

2.

MSR lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2.

3.

Admitted for jurisdictional purposes only.

**QUIET TITLE**

4.

Denied.

5.

Denied.

6.

Denied.

7.

Denied.

8.

MSR lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8.

9.

MSR lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9.

10.

Denied.

11.

MSR admits that Plaintiff no longer is in possession of the subject property; otherwise, denied.

### **WRONGFUL FORECLOSURE**

12.

MSR incorporates its responses to Paragraphs 1-11 as if fully set forth herein.

13.

Admitted, although it is not a complete statement of O.C.G.A. § 44-14-162.2.

14.

MSR lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14.

15.

MSR lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15.

16.

MSR denies the allegations of Paragraph 16. Any allegation not previously admitted, denied or otherwise controverted, is hereby denied.

WHEREFORE, MSR requests that this Court:

- (A) Dismiss the Complaint with prejudice;
- (B) Deny Plaintiff's prayers for relief;
- (C) Charge all court costs against Plaintiff; and
- (D) Grant any other relief that this Court deems proper and just.

Respectfully submitted this 5<sup>th</sup> day of September, 2014.

/s/ Matthew F. Totten  
John G. Nelson  
Georgia Bar No. 538125  
Matthew F. Totten  
Georgia Bar No. 798589

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**CERTIFICATE OF SERVICE**

I hereby certify that, on September 5, 2014, I electronically filed the **ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT MSR 1 ASSETS COMPANY, LLC** with the Clerk of Court using the CM/ECF system which will automatically send E-Mail notification of such filing to the following attorneys of record:

Thomas E. Reynolds, Jr.  
[treynolds@thomasreynoldslaw.com](mailto:treynolds@thomasreynoldslaw.com)

This 5<sup>th</sup> day of September, 2014.

/s/ Matthew F. Totten  
Matthew F. Totten  
Georgia Bar No. 798589  
John G. Nelson  
Georgia Bar No. 538125

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